

TWENTY-SECOND DAY

(Wednesday, February 17, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Heflin
Adkins	Herzik
Alexander	Holland
Alsup	Hoskins
Amos	Howard
Baker	Huddleston
Bates	Hull
Beckworth	Hyder
Bell	Jackson
Blankenship	James
Boethel	Johnson of Ellis
Bond	Johnson
Boyer	of Tarrant
Bradbury	Jones of Aneolina
Bradford	Jones of Atascosa
Bridgers	Jones of Falls
Broadfoot	Jones of Wise
Brown	Keefe
Burton	Keith
Cagle	Kelt
Callan	Kenyon
Carssow	Kern
Cathey	King
Cauthorn	Knetsch
Celaya	Langdon
Cleveland	Lankford
Davis of Haskell	Lanning
Davis of Jasper	Leath
Davison of Fisher	Leonard
Davisson	Leyendecker
of Eastland	Little
Dean	Loggins
Deglandon	London
Derden	Lucas
Dickison	Mann
Dollins	Mauritz
England	Mays
Farmer	McConnell
Felty	McCracken
Fielden	McDonald
Fox	McFarland
Fuchs	McKinney
Gibson	Metcalfe
Graves	Moffett
Hamilton	Monkhouse
Hanna	Morris
Harbin	Morse
Hardin	Newton
Harper	Nicholson
Harrell	Oliver
Harris of Archer	Palmer
Harris of Dallas	Patterson of Mills
Harris of Dickens	Patterson
Hartzog	of Travis

Petsch	Smith of Hopkins
Pope	Smith
Powell	of Matagorda
Prescott	Smith of Tarrant
Quinn	Stevenson
Ragsdale	Stinson
Reader	Stocks
Reed of Bowie	Talbert
Reed of Dallas	Tarwater
Rhodes	Tennant
Riddle	Tennyson
Roark	Thornberry
Ross	Thornton
Russell	Vale
Rutta	Waggoner
Schuenemann	Walker
Sewell	Weldon
Sharpe	Westbrook
Shell	Wood
Simpson	Worley
Skaggs	

Absent—Excused

Colquitt	Settle
Hankamer	Winfree
McKee	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered prayer.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. McKee for today, on motion of Mr. Knetsch.

Mr. Winfree for today, on motion of Mr. Nicholson.

Mr. McConnell temporarily for today, on motion of Mr. Tennyson.

The following Members were granted leaves of absence on account of illness:

Mr. Hankamer for today, on motion of Mr. Jackson.

Mr. Settle for today, on motion of Mr. Hyder.

Mr. Shell for yesterday, on motion of Mr. Hartzog.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Davisson of Eastland and Mr. Worley:

H. B. No. 576, A bill to be entitled, "An Act appropriating the sum of

\$150,000.00 to the Texas State Employment Service for the purpose of maintaining public employment offices provided for under Acts, 1935, Forty-fourth Legislature, Regular Session, Chapter 236, page 552, and as amended by Acts, Third Called Session, Forty-fourth Legislature, Chapter 482, Section 12, for the balance of the fiscal year ending August 31, 1937, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Cathey:

H. B. No. 577, A bill to be entitled "An Act defining 'Marble Machines', 'Owner' and 'Exhibitor' thereof; levying an occupation tax on 'Marble Machine'; providing for the collection and distribution thereof to the Old Age Assistance and Available School Funds; appropriating out of said taxes collected to the Comptroller of Public Accounts an amount not to exceed Fifteen Thousand (\$15,000.00) Dollars for each fiscal year to defray the expenses for collecting said tax; making it unlawful for any owner or exhibitor of said machines to operate, display or exhibit such machines for operation without the tax thereon having first been paid and license obtained from the Comptroller; making it unlawful for the owner or exhibitor of such machines to knowingly permit, allow or consent to any person under the age of twenty-one years to place a coin or token in said machines for the purpose of operating the same; making it unlawful for any person to place a slug, counterfeit coin or counterfeit token in said machines for the purpose of operating same; prescribing penalties for the violation of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Stevenson and Mr. Carsow:

H. B. No. 578, A bill to be entitled "An Act to amend Article 2001 of Chapter Two, Title Forty-two, Revised Civil Statutes of Texas, 1925, relating to amendments by parties of their pleadings, filing suggestions of death, making representatives parties, making new parties, and filing such other pleas as they may desire, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Stevenson:

H. B. No. 579, A bill to be entitled "An Act to create a School Land Board, to be composed of three members of the State Board of Education and to provide for the sale and lease by said Board of all unsold lands set apart by the Constitution and the laws of Texas for the benefit of the Permanent School Fund, including escheated lands and lands otherwise recovered for the State, and the minerals therein and thereunder, and all the minerals in islands, lakes and bays, and other areas within tide water limits, and in the river beds and channels; . . . etc., and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Stevenson:

H. B. No. 580, A bill to be entitled "An Act establishing rules of evidence in suits to fix and locate boundaries to land where patent, grant or award has been issued by governmental authority; providing that when patent, grant or award has issued calling for lines or corners of a senior survey, it shall be conclusively presumed that it was the intention of all parties to the patent, grant or award that such lines should extend to the lines or corners called for, be they marked or unmarked; . . . etc., and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Celaya, Mr. Davis of Haskell, Mr. Newton and Mr. Dollins:

H. B. No. 581, A bill to be entitled "An Act prohibiting the sale of contraceptive devices, prophylactic rubber good and articles for the prevention of venereal and other diseases and infections, or any sex inciting devices or contrivances, except by registered pharmacists or licensed physicians; providing licensing dealers and a penalty for violation of this Act; providing a savings clause, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Howard and Mr. Jones of Atascosa:

H. B. No. 582, A bill to be entitled "An Act to amend Article 5550, Revised Civil Statutes of Texas, 1925, providing for causes to be docketed in judicial proceedings in cases of lunacy; and providing that the County or Dis-

strict Attorney shall appear and represent the State on the hearing and the defendant shall be entitled to counsel; and providing that in proper cases the County Judge may appoint counsel for that purpose, and to add a provision under the terms of which the County Judge may allow in proper cases a fee to the counsel appointed to represent the defendant; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Smith of Tarrant, Mr. Beckworth, Mr. Talbert, Mr. Dickison and Mr. Hardin:

H. B. No. 583, A bill to be entitled "An Act amending Articles 2959 and 2960 of the Revised Civil Statutes of Texas, 1925, by providing that Veterans of Foreign Wars shall be exempt from the payment of a poll tax and shall be allowed to vote upon obtaining a certificate of exemption from the County Tax Assessor-Collector in the manner provided by law; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Gibson, Mr. Tennant and Mr. Leath:

H. B. No. 584, A bill to be entitled "An Act authorizing the Commissioners Court in any county having a population of less than 35,000 inhabitants according to the last preceding Federal Census and having an assessed property valuation exceeding \$70,000,000.00, according to the approved tax rolls for the preceding year, to allow each County Commissioner the sum of Fifty (\$50.00) Dollars per month for traveling expenses; providing for the source of payment of such expenses and providing for filing of itemized accounts, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Jones of Atascosa (by request):

H. B. No. 585, A bill to be entitled "An Act imposing a state wide occupational tax on every person, firm or corporation owning, operating or maintaining any coin operated machine for vending merchandise; defining such machines and exempting from the

operation of this Act telephones, gas meters, pay toilets and cigarette vending machines; providing that a license for operating the same, upon payment of the tax herein imposed, shall be issued to such owner or operator, and individual stickers bearing serial numbers of such receipt shall be affixed to each machine; providing a penalty for violation of this Act, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Davisson of Eastland:

H. B. No. 586, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 4, Section 7, Section 13 and Section 19 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, and adding a new section to be known as Section 17A, authorizing the Commission to make reciprocal arrangements with other States and the Federal Government with respect to wages earned and benefits accumulated by employees in other States, and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Tennyson, Mr. McFarland and Mr. Walker:

H. B. No. 587, A bill to be entitled "An Act to amend Article 1605, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to the Committee on Counties.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 89

Mr. Harper offered the following resolution:

H. C. R. No. 36, Authorizing certain correction in House Bill No. 89.

Whereas, House Bill No. 89 has passed the House and Senate; and

Whereas, Said House Bill No. 89 was amended in the Senate and the caption does not conform to the body of the bill; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to make the caption of said House Bill No. 89 conform to the body of the bill.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, February 17, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 31, Fixing the time for a Joint Session of the House and Senate to hear Honorable Harold L. Ickes deliver an address.

Has passed

S. B. No. 81, A bill to be entitled "An Act declaring all fraternal benefit societies, organized or licensed under the provisions of Chapter 8, of Title 78, of the Revised Civil Statutes of Texas, to be charitable or benevolent institutions and exempting the funds of all such fraternal benefit societies from all and every State, county, district, municipal and school tax, including occupation taxes, other than taxes on real estate and office equipment when same is used for other than lodge purposes, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONCERNING CERTAIN
APPOINTMENT

Mr. Harrell offered the following resolution:

Whereas, Mr. Orville S. Carpenter has resigned as Executive Director of the Old Age Assistance Commission; and

Whereas, A successor to him must be elected by the State Board of Control; and

Whereas, Judge T. E. Darcy, who is Assistant Director of the Old Age Assistance Commission and formerly the very able Judge of Johnson County, Texas, is a person well fitted to succeed Mr. Carpenter on account of his ability and knowledge of pension affairs. Especially do his age and sympathy for our old people commend him as a person very suitable for the Board of Control to appoint as Executive Director of the Old Age Assistance Law; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That we commend the said Judge T. E. Darcy to the State Board of Control, and respectfully ask that he be ap-

pointed to the position of Executive Director.

HARRELL,
FARMER,
SHARPE,
RHODES,
BRADBURY.

The resolution was read second time.

Mr. Wood moved that the resolution be referred to the Committee on State Affairs.

Mr. Metcalfe moved to table the resolution.

The motion to table prevailed.

SENATE BILL NO. 188 ON
SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 188, A bill to be entitled "An Act validating and legalizing bonds issued by counties for the construction of roads within such counties and the levy of taxes for payment of such county bonds; authorizing the assessment and collection of general ad valorem taxes in all such counties for the payment of such county bonds now outstanding or hereafter issued, and declaring an emergency."

The bill was read second time.

Mr. Leath offered the following amendment to the bill:

Amend Senate Bill No. 188 as follows:

"Provided, however, that the provisions of this Act shall not apply to any proceedings, levies or to any bonds or warrants issued thereunder, the validity of which has been contested or attacked in suit or litigation which is pending at the time this Act becomes a law."

The amendment was adopted.

Senate Bill No. 188 was then passed to third reading.

SENATE BILL NO. 188 ON THIRD
READING

Mr. Leath moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 188 be placed on third reading and final passage.

The motion prevailed by the following vote:

Yeas—121

Adkins	Alsup
Alexander	Amos

Baker	Lanning	Dean	Langdon
Beckworth	Leath	Fox	Leonard
Bell	Leyendecker	Fuchs	Mauritz
Blankenship	Little	Graves	Palmer
Boethel	Loggins	Harrell	Pope
Bond	London	Heflin	Ragsdale
Boyer	Lucas	Holland	Reader
Bradbury	Mann	Hull	Smith of Hopkins
Bridgers	Mays	Jones of Atascosa	Stevenson
Broadfoot	McCracken	Absent—Excused	
Brown	McDonald	Colquitt	McKee
Burton	McFarland	Hankamer	Settle
Cagle	McKinney	McConnell	Winfree
Callan	Metcalfe	The Speaker then laid Senate Bill	
Carssow	Moffett	No. 188 before the House on third	
Cathey	Monkhouse	reading and final passage.	
Cauthorn	Morris	The bill was read third time, and	
Cleveland	Morse	was passed by the following vote:	
Davis of Haskell	Newton	Yeas—125	
Davison of Fisher	Nicholson	Adkins	Harris of Dallas
Davisson	Oliver	Alexander	Harris of Dickens
of Eastland	Patterson of Mills	Alsup	Heflin
Deglandon	Patterson	Amos	Herzik
Derden	of Travis	Baker	Hoskins
Dickison	Petsch	Bates	Howard
Dollins	Powell	Beckworth	Huddleston
England	Prescott	Bell	Hull
Farmer	Quinn	Blankenship	Hyder
Felty	Reed of Bowie	Boethel	Jackson
Fielden	Reed of Dallas	Bond	James
Gibson	Rhodes	Boyer	Johnson of Ellis
Hamilton	Riddle	Bradbury	Johnson
Hanna	Roark	Bridgers	of Tarrant
Harbin	Ross	Broadfoot	Jones of Angelina
Hardin	Russell	Brown	Jones of Falls
Harper	Rutta	Burton	Jones of Wise
Harris of Archer	Schuenemann	Cagle	Keith
Harris of Dallas	Sewell	Callan	Kenyon
Harris of Dickens	Sharpe	Carssow	Kern
Hartzog	Shell	Cathey	King
Herzik	Simpson	Cauthorn	Knetsch
Hoskins	Skaggs	Cleveland	Lankford
Howard	Smith	Davis of Haskell	Lanning
Huddleston	of Matagorda	Davis of Jasper	Leath
Hyder	Smith of Tarrant	Davisson	Leyendecker
Jackson	Stinson	of Eastland	Little
James	Stocks	Deglandon	Loggins
Johnson of Ellis	Talbert	Derden	London
Johnson	Tarwater	Dickison	Lucas
of Tarrant	Tennant	Dollins	Mann
Jones of Angelina	Tennyson	England	Mauritz
Jones of Falls	Thornberry	Farmer	Mays
Jones of Wise	Thornton	Fielden	McCracken
Keefe	Vale	Fox	McDonald
Keith	Waggoner	Gibson	McFarland
Kelt	Walker	Hamilton	McKinney
Kenyon	Weldon	Hanna	Metcalfe
Kern	Westbrook	Harbin	Moffett
King	Wood	Hardin	Monkhouse
Knetsch	Worley	Harris of Archer	Morris
Lankford	Absent		
Bates	Celaya		
Bradford	Davis of Jasper		

Morse	Sharpe
Newton	Shell
Nicholson	Simpson
Oliver	Skaggs
Patterson of Mills	Smith of Hopkins
Patterson	Smith
of Travis	of Matagorda
Petsch	Smith of Tarrant
Pope	Stevenson
Powell	Stinson
Prescott	Talbert
Quinn	Tarwater
Ragsdale	Tennant
Reader	Tennyson
Reed of Bowie	Thornberry
Reed of Dallas	Thornton
Rhodes	Vale
Riddle	Waggoner
Roark	Walker
Ross	Weldon
Russell	Westbrook
Rutta	Wood
Schuenemann	Worley
Sewell	

Absent

Bradford	Hartzog
Celaya	Holland
Davison of Fisher	Jones of Atascosa
Dean	Keefe
Felty	Kelt
Fuchs	Langdon
Graves	Leonard
Harper	Palmer
Harrell	Stocks

Absent—Excused

Colquitt	McKee
Hankamer	Settle
McConnell	Winfree

HOUSE BILL NO. 120 ON SECOND READING

The Speaker laid before the House (as special order at this time), on its second reading and passage to engrossment,

H. B. No. 120, A bill to be entitled "An Act amending Article 802, Penal Code of Texas, 1925, as amended by Chapter 424, Acts, First Called Session, Forty-fourth Legislature, and declaring an emergency."

The bill was read second time.

Mr. Wood offered the following committee amendment to the bill:

Amend House Bill No. 120 by striking out all below the enacting clause and insert in lieu thereof the following:

"Section 1. That Article 802, Penal Code, 1925, as amended by Chapter

424, House Bill No. 93, Acts of the First Called Session of the Forty-fourth Legislature be amended so as to hereafter read as follows:

"Article 802. Any person who drives or operates an automobile or any other motor vehicle upon any street or alley, or any other place within the limits of any incorporated city, town or village, or upon any public road or highway in this State while such person is intoxicated, or in any degree under the influence of intoxicating liquor, shall, upon conviction, be confined in the penitentiary for not more than two (2) years, or be confined in the county jail for not less than 5 days nor more than ninety (90) days and fined not less than Fifty (\$50.00) nor more than Five Hundred (\$500.00) Dollars."

"Section 2. The fact that there is an increasing number of accidents occurring on the highways of this State by reason of the operation of motor vehicles by drunken drivers, creates an emergency, and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

(Mr. Alexander in the Chair.)

Mr. Skaggs offered the following amendment to the committee amendment:

Amend House Bill No. 120, by striking out the third and last words in line 25.

On motion of Mr. Wood, the amendment was tabled.

Mr. Sharpe offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 120, Section 1, page 1, by striking out the words "is intoxicated or" in line 34.

On motion of Mr. Jones of Atascosa, the amendment was tabled.

The committee amendment was then adopted.

Mr. Wood offered the following committee amendment to the bill:

Amend House Bill No. 120, by striking out all above the enacting clause and insert in lieu thereof the following:

A bill to be entitled "An Act amending Article 802, Penal Code of Texas,

1925, as amended by Chapter 424, Acts of the First Called Session, Forty-fourth Legislature, and declaring an emergency."

The amendment was adopted.

House Bill No. 120 was then passed to engrossment.

HOUSE BILL NO. 120 ON THIRD READING

Mr. Wood moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 120 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

Adkins	Harris of Dallas
Alsup	Harris of Dickens
Amos	Hartzog
Baker	Heflin
Bates	Herzik
Beckworth	Holland
Bell	Hoskins
Blankenship	Howard
Boethel	Huddleston
Bond	Hull
Boyer	Hyder
Bradbury	Jackson
Bradford	James
Bridgers	Johnson of Ellis
Broadfoot	Johnson
Burton	of Tarrant
Cagle	Jones of Angelina
Callan	Jones of Falls
Carssow	Jones of Wise
Cathey	Keefe
Cauthorn	Kelt
Cleveland	Kenyon
Davis of Haskell	Kern
Davis of Jasper	King
Davison of Fisher	Knetsch
Dean	Langdon
Deglandon	Lankford
Derden	Lanning
Dickison	Leath
Dollins	Leyendecker
England	Loggins
Farmer	London
Felty	Lucas
Fielden	Mann
Fox	Mauritz
Fuchs	Mays
Gibson	McDonald
Graves	McFarland
Hamilton	McKinney
Hanna	Metcalf
Harbin	Moffett
Hardin	Monkhouse
Harper	Morris
Harris of Archer	Morse

Newton	Sewell
Oliver	Sharpe
Palmer	Shell
Patterson of Mills	Simpson
Patterson	Smith of Hopkins
of Travis	Smith
Petsch	of Matagorda
Pope	Smith of Tarrant
Powell	Stinson
Prescott	Talbert
Quinn	Tarwater
Ragsdale	Tennant
Reader	Tennyson
Reed of Bowie	Thornberry
Reed of Dallas	Thornton
Rhodes	Vale
Riddle	Waggoner
Roark	Weldon
Ross	Westbrook
Russell	Wood
Rutta	Worley
Schuenemann	

Nays—1

Skaggs

Absent

Alexander	Leonard
Celaya	Little
Brown	McCracken
Davissón	Nicholson
of Eastland	Stevenson
Harrell	Stocks
Jones of Atascosa	Walker
Keith	

Absent—Excused

Colquitt	McKee
Hankamer	Settle
McConnell	Winfree

The Chair then laid House Bill No. 120 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—133

Adkins	Cagle
Alsup	Callan
Amos	Carssow
Baker	Cathey
Bates	Cauthorn
Beckworth	Cleveland
Bell	Davis of Haskell
Blankenship	Davis of Jasper
Boethel	Davison of Fisher
Bond	Dean
Boyer	Deglandon
Bradbury	Derden
Bradford	Dickison
Bridgers	Dollins
Broadfoot	England
Burton	Farmer

Felty	McFarland
Fielden	McKinney
Fox	Metcalfe
Fuchs	Moffett
Gibson	Monkhouse
Graves	Morris
Hamilton	Morse
Hanna	Newton
Harbin	Nicholson
Hardin	Oliver
Harper	Palmer
Harrell	Patterson of Mills
Harris of Archer	Patterson
Harris of Dallas	of Travis
Harris of Dickens	Petsch
Hartzog	Pope
Heflin	Powell
Herzik	Prescott
Holland	Quinn
Hoskins	Ragsdale
Howard	Reader
Huddleston	Reed of Bowie
Hull	Reed of Dallas
Hyder	Rhodes
Jackson	Riddle
James	Roark
Johnson of Ellis	Ross
Johnson	Russell
of Tarrant	Rutta
Jones of Angelina	Schuenemann
Jones of Atascosa	Sewell
Jones of Falls	Sharpe
Jones of Wise	Shell
Keefe	Simpson
Kelt	Smith of Hopkins
Kenyon	Smith
Kern	of Matagorda
King	Smith of Tarrant
Knetsch	Stinson
Langdon	Stocks
Lankford	Talbert
Leath	Tarwater
Leonard	Tennant
Leyendecker	Tennyson
Loggins	Thornberry
London	Thornton
Lucas	Vale
Mann	Waggoner
Mauritz	Weldon
Mays	Westbrook
McCracken	Wood
McDonald	Worley

Present—Not Voting

Skaggs

Absent

Alexander
Brown
Celaya
Davisson
of Eastland

Keith
Lanning
Little
Stevenson
Walker

Absent—Excused

Colquitt	McKee
Hankamer	Settle
McConnell	Winfree

MESSAGE FROM THE SENATE

Austin, Texas, February 11, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 10, A bill to be entitled "An Act to fix the salaries of the judges of the various District Courts and of the Criminal District Courts of this State; repealing that portion of Section 1 of H. B. No. 417, Chapter 355, of the Acts of the Regular Session of the Forty-fourth Legislature which fixes the salaries of said judges, and declaring an emergency."

By a vote of 23 ayes and 5 nays.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SPECIAL ORDER SET

Mr. Tennyson moved that House Bill No. 131 be set as a special order for 10:00 o'clock a. m., Thursday, February 18.

The motion prevailed.

HOUSE BILL NO. 72 ON PASSAGE TO ENGROSSMENT

The Chair laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 72, A bill to be entitled "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the Board of Water Engineers' Department for the balance of the fiscal year ending August 31, 1937, and declaring an emergency."

The bill having been read second time on yesterday, with committee amendment by Mr. Graves, pending.

Mr. Hartzog offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 72, by adding in the proper place, on page 5: "1 additional dentist for each of the five State Hospitals for the Insane at same rate of pay as now provided by law."

HARTZOG,
COLQUITT.

On motion of Mr. Graves, the amendment was tabled.

Mr. Tennant offered the following amendment to the committee amendment:

"Amend committee amendment to House Bill No. 72, page 8, by striking out all of lines one through eighteen."

On motion of Mr. Hyder, the amendment was tabled.

Mr. Tennant offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 72, by striking out lines 32 to 40 on page 2, and line 1 on page 3, same being the appropriation for the Board of Water Engineers.

Mr. Tarwater moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—83

Alsup	James
Amos	Johnson
Baker	of Tarrant
Bates	Jones of Angelina
Blankenship	Jones of Atascosa
Boethel	Jones of Wise
Boyer	Keefe
Bradbury	Keith
Bradford	Kelt
Bridgers	Kenyon
Broadfoot	King
Burton	Lanning
Carssow	Leath
Cauthorn	Leyendecker
Cleveland	Little
Davis of Haskell	Loggins
Davisson	Lucas
of Eastland	Mays
Deglandon	McDonald
Dickison	McFarland
Dollins	McKinney
Felty	Metcalf
Fox	Monkhouse
Fuchs	Morris
Hamilton	Morse
Harbin	Nicholson
Harper	Oliver
Harris of Archer	Patterson of Mills
Harris of Dallas	Patterson
Hartzog	of Travis
Heflin	Prescott
Holland	Quinn
Hoskins	Ragsdale
Hull	Rhodes
Hyder	Riddle
Jackson	Roark

Russell	Tarwater
Schuenemann	Tennyson
Sharpe	Thornberry
Shell	Thornton
Simpson	Vale
Smith	Waggoner
of Matagorda	Weldon
Stocks	

Nays—35

Beckworth	London
Bond	Mann
Brown	Moffett
Cagle	Powell
Cathey	Reed of Bowie
Davison of Fisher	Reed of Dallas
Farmer	Ross
Fielden	Rutta
Gibson	Sewell
Hanna	Skaggs
Hardin	Smith of Hopkins
Harris of Dickens	Smith of Tarrant
Huddleston	Talbert
Johnson of Ellis	Tennant
Kern	Walker
Knetsch	Westbrook
Langdon	Wood
Lankford	

Absent

Adkins	Jones of Falls
Alexander	Leonard
Bell	Mauritz
Callan	McCracken
Celaya	Newton
Davis of Jasper	Palmer
Dean	Petsch
Derden	Pope
England	Reader
Graves	Stevenson
Harrell	Stinson
Herzik	Worley
Howard	

Absent—Excused

Colquitt	McKee
Hankamer	Settle
McConnell	Winfree

Mr. Wood offered the following amendment to the committee amendment:

Amend House Bill No. 72, by striking out lines 2 to 17, inclusive, on page 3.

Mr. Morse moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—74

Adkins	Baker
Amos	Bates

Bell	Knetsch
Boethel	Lanning
Boyer	Little
Bradford	Lucas
Broadfoot	Mann
Brown	Mauritz
Callan	Mays
Carssow	McDonald
Cathey	McKinney
Cauthorn	Metcalf
Cleveland	Monkhouse
Davis of Haskell	Morse
Davisson	Nicholson
of Eastland	Oliver
Deglandon	Patterson of Mills
Dickison	Patterson
Dollins	of Travis
Felty	Prescott
Fuchs	Quinn
Hamilton	Ragsdale
Harper	Reed of Dallas
Harris of Dallas	Rhodes
Harris of Dickens	Riddle
Heflin	Russell
Howard	Sewell
Huddleston	Simpson
Hyder	Smith of Hopkins
Jackson	Smith
James	of Matagorda
Johnson of Ellis	Stinson
Johnson	Stocks
of Tarrant	Talbert
Jones of Atascosa	Tarwater
Jones of Falls	Thornberry
Kelt	Thornton
Kenyon	Vale
King	Weldon

Nays—35

Alsup	Langdon
Beckworth	Lankford
Blankenship	London
Bradbury	McFarland
Burton	Morris
Cagle	Powell
Davison of Fisher	Reed of Bowie
Derden	Roark
Farmer	Ross
Fox	Rutta
Gibson	Skaggs
Hanna	Smith of Tarrant
Hardin	Tennant
Jones of Angelina	Tennyson
Jones of Wise	Waggoner
Keefe	Walker
Keith	Wood
Kern	

Absent

Alexander	Dean
Bond	England
Bridgers	Fielden
Celaya	Graves
Davis of Jasper	Harbin

Harrell	Moffett
Harris of Archer	Newton
Hartzog	Palmer
Herzik	Petsch
Holland	Pope
Hoskins	Reader
Hull	Schuenemann
Leath	Sharpe
Leonard	Shell
Leyendecker	Stevenson
Loggins	Westbrook
McCracken	Worley

Absent—Excused

Colquitt	McKee
Hankamer	Settle
McConnell	Winfree

Mr. Beckworth offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 72, page 2, line 38, by striking out "\$10,000.00" and insert in lieu thereof "\$7,500.00".

Mr. Tarwater moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—74

Adkins	James
Alsup	Johnson
Amos	of Tarrant
Baker	Jones of Angelina
Bates	Jones of Atascosa
Bell	Jones of Falls
Boyer	Jones of Wise
Bradbury	Keefe
Bridgers	Kenyon
Brown	King
Callan	Knetsch
Cauthorn	Lanning
Cleveland	Leonard
Davis of Haskell	Leyendecker
Davison of Fisher	Little
Deglandon	Loggins
Dickison	Lucas
Dollins	Mays
Felty	McCracken
Fuchs	McDonald
Hamilton	Moffett
Harris of Dallas	Monkhouse
Hartzog	Morse
Heflin	Nicholson
Herzik	Oliver
Howard	Palmer
Huddleston	Patterson
Hull	of Travis
Hyder	Pope
Jackson	Quinn

Ragsdale	Simpson
Reed of Dallas	Smith
Rhodes	of Matagorda
Riddle	Stocks
Russell	Tarwater
Rutta	Thornberry
Schuenemann	Thornton
Sewell	Vale
Sharpe	

Nays—46

Beckworth	Lankford
Blankenship	London
Boethel	Mann
Bond	Mauritz
Broadfoot	Metcalfe
Burton	Morris
Cagle	Patterson of Mills
Carsow	Powell
Cathey	Prescott
Davis of Jasper	Reed of Bowie
Derden	Roark
Farmer	Ross
Fielden	Skaggs
Gibson	Smith of Hopkins
Hanna	Smith of Tarrant
Harbin	Stinson
Hardin	Talbert
Harper	Tennant
Johnson of Ellis	Tennyson
Keith	Waggoner
Kelt	Walker
Kern	Weldon
Langdon	Wood

Present—Not Voting

Dean

Absent

Alexander	Hoskins
Bradford	Leath
Celaya	McFarland
Davison	McKinney
of Eastland	Newton
England	Petsch
Fox	Reader
Graves	Shell
Harrell	Stevenson
Harris of Archer	Westbrook
Harris of Dickens	Worley
Holland	

Absent—Excused

Colquitt	McKee
Hankamer	Settle
McConnell	Winfree

Mr. Alsop offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 72, by adding after line 22, on page 8, the following:

"Provided the sums appropriated herein shall be used only for the pur-

poses set out in this bill for each item and no sums shall be transferred to any other purpose."

ALSUP,
METCALFE.

The amendment was adopted.

Mr. Metcalfe offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 72, by striking out item "g-2", page 7.

The amendment was adopted.

Mr. Alsop moved that House Bill No. 72 be recommitted to the Committee on Appropriations.

(Pending consideration of the motion by Mr. Alsop, Mr. Gibson occupied the Chair temporarily.)

(Speaker in the Chair.)

Question recurring on the motion to recommit House Bill No. 72, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—78

Adkins	Kern
Alsop	King
Beckworth	Knetsch
Bell	Langdon
Boethel	Lankford
Bond	Lanning
Bradbury	Leath
Broadfoot	Leyendecker
Cagle	Loggins
Carsow	London
Davis of Haskell	Mauritz
Davis of Jasper	McCracken
Davison of Fisher	McFarland
Deglandon	Metcalfe
Derden	Moffett
Dollins	Monkhouse
Farmer	Morris
Fielden	Oliver
Fox	Patterson of Mills
Fuchs	Powell
Gibson	Prescott
Hamilton	Ragsdale
Hanna	Reed of Bowie
Hardin	Rhodes
Harper	Roark
Harris of Dickens	Ross
Hoskins	Russell
Huddleston	Rutta
Johnson of Ellis	Schuenemann
Jones of Angelina	Shell
Jones of Falls	Skaggs
Jones of Wise	Smith of Hopkins
Keefe	Stinson
Keith	Stocks
Kelt	Talbert

Tennant
Tennyson
Thornberry
Waggoner

Walker
Weldon
Westbrook
Wood

Nays—49

Amos	Kenyon
Baker	Leonard
Bates	Little
Blankenship	Lucas
Boyer	Mann
Bradford	Mays
Burton	McDonald
Cathey	McKinney
Cauthorn	Morse
Celaya	Palmer
Cleveland	Patterson
Davisson	of Travis
of Eastland	Pope
Dean	Reed of Dallas
Dickison	Riddle
England	Sewell
Harris of Dallas	Sharpe
Hartzog	Simpson
Heflin	Smith
Herzik	of Matagorda
Holland	Smith of Tarrant
Hyder	Stevenson
Jackson	Tarwater
James	Thornton
Johnson	Vale
of Tarrant	Worley
Jones of Atascosa	

Absent

Alexander	Harris of Archer
Bridgers	Howard
Brown	Hull
Callan	Newton
Felty	Nicholson
Graves	Petsch
Harbin	Quinn
Harrell	Reader

Absent—Excused

Colquitt	McKee
Hankamer	Settle
McConnell	Winfree

HOUSE BILL NO. 22 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 22, A bill to be entitled "An Act to amend Chapter 3 of the Acts of the Regular Session of the Thirty-ninth Legislature, the same being an Act entitled: 'An Act to aid the City of Galveston in elevating and raising said City so as to protect it from calamitous overflows by donating and granting to it the State ad valorem taxes and a part of the occu-

pation and poll taxes collected on property and from persons in Galveston County for a period of ten years, and to provide a penalty for their misapplication,' by extending the provision of said Act for a period of five years from September 1, 1938, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—100

Amos	Leath
Baker	Leonard
Bates	Leyendecker
Beckworth	Little
Bell	London
Blankenship	Lucas
Boethel	Mann
Bond	Mauritz
Boyer	Mays
Bradford	McCracken
Bridgers	McDonald
Broadfoot	McFarland
Burton	McKee
Cagle	McKinney
Carssow	Metcalfe
Cathey	Moffett
Cauthorn	Monkhouse
Celaya	Morse
Cleveland	Nicholson
Davis of Haskell	Patterson
Davis of Jasper	of Travis
Davisson	Pope
of Eastland	Prescott
Dean	Quinn
Derden	Ragsdale
Dickison	Reader
Dollins	Reed of Dallas
England	Rhodes
Farmer	Riddle
Fox	Roark
Fuchs	Russell
Hamilton	Rutta
Harbin	Schuenemann
Harper	Sewell
Harris of Dallas	Sharpe
Hartzog	Shell
Heflin	Skaggs
Holland	Smith
Hoskins	of Matagorda
Howard	Smith of Tarrant
Hull	Stevenson
Jackson	Stinson
James	Stocks
Johnson	Talbert
of Tarrant	Tarwater
Jones of Angelina	Tennant
Jones of Atascosa	Tennyson
Keefe	Thornberry
Kelt	Thornton
Kenyon	Vale
King	Walker
Lanning	Westbrook

Nays—32

Adkins	Keith
Alsup	Kern
Bradbury	Knetsch
Brown	Langdon
Davison of Fisher	Lankford
Deglandon	Morris
Felty	Palmer
Fielden	Patterson of Mills
Gibson	Powell
Graves	Reed of Bowie
Hanna	Ross
Hardin	Simpson
Huddleston	Smith of Hopkins
Johnson of Ellis	Weldon
Jones of Falls	Wood
Jones of Wise	Worley

Present—Not Voting

Waggoner

Absent

Alexander	Hyder
Callan	Loggins
Harrell	Newton
Harris of Archer	Oliver
Harris of Dickens	Petsch
Herzik	

Absent—Excused

Colquitt	Settle
Hankamer	Winfree
McConnell	

PAIRED

Mr. Waggoner (present), who would vote "nay", with Mr. McKee (absent), who would vote "yea".

Mr. Thornton moved to reconsider the vote by which House Bill No. 22 was passed, and to table the motion to reconsider.

The motion to table prevailed.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

H. B. No. 10, "An Act to fix the salaries of the judges of the various District Courts and of the Criminal District Courts of this State; repealing that portion of Section 1 of House Bill No. 417, Chapter 355, of the Acts of the Regular Session of the Forty-fourth Legislature which fixes the salaries of said judges, and declaring an emergency."

STEERING COMMITTEE APPOINTED IN REGARD TO ELECTION CONTEST

The Speaker announced the appointment of the following Steering Committee to represent the Members of the Committee in the election contest hearing before the Committee of the Whole House: Mr. Walker, Mr. Knetsch and Mr. Bradbury.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 81, to the Committee on Insurance.

HOUSE BILL NO. 277 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 277, A bill to be entitled "An Act providing relief for the Old Glory Rural High Common School District No. 4 of Stonewall County, Texas, in replacing buildings and equipment destroyed by a disastrous fire on December 13th, 1936; making an appropriation for said district to replace said buildings and equipment, and declaring an emergency."

The bill was read second time.

Question—Shall House Bill No. 277 pass to engrossment?

CONCERNING JOINT SESSION IN REGARD TO ADDRESS BY HONORABLE HAROLD L. ICKES

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 31, Concerning Joint Session in regard to address by Honorable Harold L. Ickes.

Whereas, Honorable Harold L. Ickes, Secretary of the Interior, has accepted an invitation heretofore extended him by concurrent resolution, to address the Legislature of Texas in Joint Session; and

Whereas, Secretary Ickes has indicated that 8 p. m., Friday, February 19, 1937, will be a convenient time for such address; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That a Joint Session of the House and Senate be held at 8 p. m., Friday, February 19, 1937, in the Chamber of the House of Representatives, for the purpose of hearing an address by the Honorable Harold L. Ickes; and, be it further

Resolved, That the public officials of the United States Government composing Secretary Ickes' party be, and they are hereby, invited to accompany him, and occupy seats on the platform during such Joint Session.

The resolution was read second time, and was adopted.

ADDITIONAL SIGNERS OF BILLS

By unanimous consent of the House, the following Members were authorized to sign bills, as co-authors of same, as follows:

Mr. Davisson of Eastland, House Bill No. 7.

Mr. Oliver, House Bill No. 258.

ADDITIONAL QUESTIONNAIRES FILED

(1) Prentiss Edward Dickison.
San Antonio, Texas.

Representative of District No. 78.

(2) School teacher.

(3) I received no retainer or salary from any corporation, association or organization at the time I took the oath at the beginning of the Forty-fifth Legislature.

(Signed) P. E. DICKISON.

Sworn and subscribed to this the 10th day of February, 1937.

(Seal)

ADELE JACOBS,
Notary Public, Travis County.

(1) Harold M. Hankamer.
El Paso, Texas.

Representative of District No. 90.

(2) Attorney at law.

(3) None; but thanks for the compliment, just the same.

(Signed)

HAROLD M. HANKAMER.

Sworn and subscribed to this the 16th day of February, A. D. 1937.

(Seal)

ADELE JACOBS,
Notary Public, Travis County.

RECESS

On motion of Mr. Reed of Dallas, the House, at 12:10 o'clock p. m., took recess to 7:30 o'clock p. m., today.

NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by Speaker Calvert.

IN COMMITTEE OF THE WHOLE HOUSE

(Mr. McKinney in the Chair.)

At 7:30 o'clock p. m., Mr. Roark moved that the House resolve itself into a Committee of the Whole House for the purpose of hearing contest of election heretofore filed by Hon. E. E. Hunter against Hon. John K. Russell.

The motion prevailed.

The House, accordingly, at 7:30 o'clock p. m., resolved itself into a Committee of the Whole House for the purpose of hearing contest of election heretofore filed by Hon. E. E. Hunter against Hon. John K. Russell.

IN THE HOUSE

(Speaker in the Chair.)

At 10:20 o'clock p. m., Mr. McKinney, Chairman of the Committee of the Whole House, reported to the House, that the Committee desired to rise, and report progress and asked leave of the House to sit again at 9:00 o'clock a. m., tomorrow.

The following proceedings were reported:

Mr. Knetsch moved that all Members of the Committee who desire to ask questions of the witnesses, submit same in writing and present them to the Board of Managers and that the Board of Managers, at the proper time, propound the questions.

The motion prevailed.

Miss Vivian Cline, having been appointed by the Speaker of the House, as the official reporter for the Committee of the Whole, came forward and was sworn.

The Committee of the Whole House then proceeded to the hearing of the election contest.

The following were called and testified before the Committee:

Hon. E. E. Hunter,

Mr. Ben Sullivant.

(Note: For testimony and complete proceedings see the report of the official reporter.)

At 10:20 o'clock p. m., Mr. Jones of Wise moved that the Committee of the Whole House rise and report progress

and asked leave of the House to sit again at 9:00 o'clock a. m., tomorrow.

The motion prevailed.

REQUEST OF COMMITTEE OF THE WHOLE HOUSE GRANTED

On motion of Mr. Leonard, the House granted the request of the Committee of the Whole House to sit again at 9:00 o'clock a. m., tomorrow.

RECESS

On motion of Mr. Leonard, the House, at 10:25 o'clock p. m., took recess to 9:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Conservation and Reclamation: House Bill No. 60.

Criminal Jurisprudence: House Bills Nos. 156 and 223.

Commerce and Manufacturers: House Bill No. 57.

Education: House Bill No. 163.

Game and Fisheries: House Bills Nos. 428, 457, 462, 503, 509, 515 and 566.

Highways and Motor Traffic: House Bill No. 447.

Insurance: Senate Bill No. 81.

Judiciary: House Bills Nos. 78, 85, 109, 488, 489, 491, 492, 493, 494, 495, 496, 497 and 551.

Labor: House Bill No. 586.

Privileges, Suffrage and Elections: House Bill No. 369.

Revenue and Taxation: House Bill No. 102.

State Affairs: House Bill No. 263.

The following committees have filed adverse reports on bills, as follows:

Criminal Jurisprudence: House Bills Nos. 178 and 220.

Judiciary: House Bills Nos. 20, 289 and 290.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, February 17, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 36, Instructing the Enrolling Clerk of the House of Representatives to make the caption of House Bill No. 89 conform to the Senate amendments to the body of the bill.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, February 17, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 10, "An Act to fix the salaries of the Judges of the various District Courts and of the Criminal District Courts of this State; repealing that portion of Section 1, of House Bill No. 417, Chapter 355, of the Acts of the Regular Session of the Forty-fourth Legislature which fixes the salaries of said Judges, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

TWENTY-SECOND DAY

(Continued)

(Thursday, February 18, 1937)

The House met at 9:00 o'clock a. m., and was called to order by Speaker Calvert.

IN COMMITTEE OF THE WHOLE HOUSE

(Mr. McKinney in the Chair.)

At 9:00 o'clock a. m., Mr. Tarwater moved that the House resolve itself into a Committee of the Whole House, for the purpose of hearing contest of election heretofore filed by Hon. E. E. Hunter against Hon. John K. Russell.

The motion prevailed.

The House accordingly, at 9:00 o'clock a. m., resolved itself into a Committee of the Whole House for the purpose of hearing the contest of election.